REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are currently pending. Claims 1-3 and 9-14, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically at pages 14 and 36. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-5, 7 and 9-16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,263,152 to Hisatomi, et al. (hereinafter, merely "Hisatomi") in view of Japanese Publication No. 092188677 to Inai (hereinafter, merely "Inai" and in further view of European Patent No. 0858171 A2 to Yonemitsu, et al. (hereinafter, merely Yonemitsu")

Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hisatomi in view of Inai and Yonemitsu and further in view of U.S. Patent No. 6,813,681 to Kanota, et al.

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hisatomi in view of Inai and Yonemitsu and further in view of U.S. Patent No. 6,570,837 to Kikuchi, et al.

Claim 1 recites, *inter alia*:

> "...wherein a successive record length is a length of data that can be recorded to the recording medium without a jumping operation,
>
> wherein a transfer rate of the encoding means is lower than a transfer rate of the data recorded on the recording medium when the data is intermittently read, and
>
> ...wherein the data was intermittently read from memory and successively written to the recording medium." (Emphasis added)

As understood by Applicants, Hisatomi relates to a recordable/playable recording medium such as a DVD-RAM and a recording/playback apparatus which can be applied to a recording/playback DVD player for recording or playing back an image and voice by use of the recording medium.

As understood by Applicants, Inai relates to an information display method and apparatus that displays information which is acquired from a server through a wide area network.

As understood by Applicants, Yonemitsu relates to a method of reproducing compressed information data from a disk using a spatial frequency less than the track pitch.

Applicants submit that Hisatomi, Inai, and Yonemitsu, taken alone or in combination, do not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Hisatomi, Inai, and Yonemitsu fail to teach or suggest wherein a successive record length is a length of data that can be recorded to the recording medium

without a jumping operation, wherein a transfer rate of the encoding means is lower than a transfer rate of the data recorded on the recording medium when the data is intermittently read, and, wherein the data was intermittently read from memory and successively written to the recording medium, as recited in claim 1.

Indeed, the Office Action concedes that Hisatomi and Inai fail to teach different encoding rates and relies upon Yonemitsu to teach a rate control means. Applicants respectfully submit that the mere disclosure of a rate control means does not teach or suggest a transfer rate of the encoding means is lower than a transfer rate of the data recorded on the recording medium when the data was read intermittently, as recited in claim 1.

Moreover, claim 1 also recites that the data was intermittently read from memory and successively written to the recording medium. Applicants submit that the prior art used as a basis of rejection does not disclose or suggest these features.

Therefore, Applicants submit that claim 1 is patentable.

For reasons similar to those above, claims 2, 3, and 9-14 are also patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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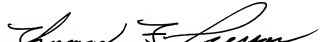
By 
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